

Introduced by Senator Poochigian

February 18, 2005

An act to amend Sections 2166.5 and 2194 of the Elections Code, relating to voters.

LEGISLATIVE COUNSEL'S DIGEST

SB 506, as introduced, Poochigian. Voter records

Existing law provides, until January 1, 2008, that participants in the "Address Confidentiality for Victims of Domestic Violence and Stalking" program and the "Address Confidentiality for Reproductive Health Care Services Providers, Employees, Volunteers, and Patients" program and who complete an application containing specified information in person at a community-based victims' assistance program may have certain personal information, including the program participant's voter registration, remain confidential and not disclosed to the public.

This bill would extend this confidentiality of voter registration information to public safety officials if his or her employer certifies that he or she is a public safety official.

This bill would make technical and conforming changes to existing law.

By imposing additional duties on local elections officials, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2166.5 of the Elections Code is
2 amended to read:
3 2166.5. (a) Any person filing with the county elections
4 official a new affidavit of registration or reregistration may have
5 the information relating to his or her residence address, telephone
6 number, and e-mail address appearing on the affidavit, or any list
7 or roster or index prepared therefrom, declared confidential upon
8 presentation of certification that the person is a participant in the
9 Address Confidentiality for Victims of Domestic Violence and
10 Stalking program pursuant to Chapter 3.1 (commencing with
11 Section 6205) of Division 7 of Title 1 of the Government Code
12 ~~or~~, a participant in the Address Confidentiality for Reproductive
13 Health Care Service Providers, Employees, Volunteers, and
14 Patients program pursuant to Chapter 3.2 (commencing with
15 Section 6215) of that division, *or certification by the employer of*
16 *a public safety official that the person is a public safety official*
17 *as defined by Section 6254.24 of the Government Code.*
18 (b) Any person granted confidentiality under subdivision (a)
19 shall:
20 (1) Be considered an absent voter for all subsequent elections
21 or until the county elections official is notified otherwise by the
22 Secretary of State or in writing by the voter. A voter requesting
23 termination of absent voter status thereby consents to placement
24 of his or her residence address, telephone number, and e-mail
25 address in the roster of voters.
26 (2) In addition to the required residence address, provide a
27 valid mailing address to be used in place of the residence address
28 for election, scholarly, or political research, and government
29 purposes. The elections official, in producing any list, roster, or
30 index may, at his or her choice, use the valid mailing address or
31 the word “confidential” or some similar designation in place of
32 the residence address.

1 (c) No action in negligence may be maintained against any
2 government entity or officer or employee thereof as a result of
3 disclosure of the information that is the subject of this section
4 unless by a showing of gross negligence or willfulness.

5 (d) Subdivisions (a) and (b) shall not apply to any person
6 granted confidentiality upon receipt by the county elections
7 official of a written notice by the address confidentiality program
8 manager of the withdrawal, invalidation, expiration, or
9 termination of the program participant's certification, *or upon*
10 *written notification by the employer of a public safety official*
11 *that the person is no longer a public safety official as defined by*
12 *Section 6254.24 of the Government Code.*

13 (e) This section shall remain in effect only until January 1,
14 2008, and as of that date is repealed, unless a later enacted
15 statute, that is enacted before January 1, 2008, deletes or extends
16 that date.

17 SEC. 2. Section 2194 of the Elections Code is amended to
18 read:

19 2194. (a) The voter registration card information identified in
20 subdivision (a) of Section 6254.4 of the Government Code:

21 (1) Shall be confidential and shall not appear on any computer
22 terminal, list, affidavit, duplicate affidavit, or other medium
23 routinely available to the public at the county elections official's
24 office.

25 (2) Shall be provided with respect to any voter, subject to the
26 provisions of ~~Section~~ *Sections 2166.5 and 2188*, to any candidate
27 for federal, state, or local office, to any committee for or against
28 any initiative or referendum measure for which legal publication
29 is made, and to any person for election, scholarly, journalistic, or
30 political purposes, or for governmental purposes, as determined
31 by the Secretary of State.

32 (b) Notwithstanding any other provision of law, the California
33 driver's license number, the California identification card
34 number, the social security number, and any other unique
35 identifier used by the State of California for purposes of voter
36 identification shown on a voter registration card of a registered
37 voter, or added to voter registration records to comply with the
38 requirements of the Help America Vote Act of 2002—~~(P.L.~~
39 ~~107-252)~~ *(42 U.S.C. 15301 et seq.)*, are confidential and shall not
40 be disclosed to any person.

1 (c) The home address of any voter shall be released whenever
2 the person's vote is challenged pursuant to Sections 15105 to
3 15108, inclusive, or 14240 to 14253, inclusive. The address shall
4 be released only to the challenger, to elections officials, and to
5 other persons as necessary to make, defend against, or adjudicate
6 the challenge.

7 (d) A governmental entity, or officer or employee thereof, ~~may~~
8 *shall* not be held civilly liable as a result of disclosure of the
9 information referred to in this section, unless by a showing of
10 gross negligence or willfulness.

11 SEC. 3. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.